IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17939 of 2004

Between:

1 K.A.Reddy, E-301589, S/o Venkat Reddy,
Working in Husnabad Depot, R/o Husnabad, Karimnagar District.
2 K.S.Reddy, E-301590, S/o K.V.Reddy,
Working in Husnabad Depot, R/o Husnabad, Karimnagar District.
3 G.Mallesham, E-92773, S/o Venkataiah,
Working in Husnabad Depot, R/o Husnabad, Karimnagar District.
4 G.Laxman, E-93207,
Working in Husnabad Depot, R/o Husnabad, Karimnagar District.
5 K.Mysaiah, E-75929, S/o Nagaiah,
Working in Husnabad Depot, R/o Husnabad, Karimnagar District.
6 G.Ramesh, E-310211, S/o Rajaiah,
Working in Husnabad Depot, R/o Husnabad, Karimnagar District.

All are Drivers working inHusnabad Depot.

... PETITIONERS

AND

1 The APSRTC rep., by its Managing Director, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Karimnagar, Karimnagar District.
3 The Depot Manager, APSRTC, Hunsurabad, Karimnagar.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents herein in not granting the selection grade scale Stagnation increments to the petitioners on completion of 12 years service is illegal, unjust and arbitrary, contrary to well established principles of law and as such set aside the same by directing the respondents herein to add the stagnation increment to the petitioners on completion of 12 years of service irrespective of their transfer from the date of initial appointment and to pay the arrears by refixing the pay of all the petitioners forthwith

Counsel for the Petitioners: MR.S.M.SUBHAN
Counsel for the Respondents: MS. P.RAJINI, SC FOR APSRTC

The Court made the following order:

ORDER:

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The petitioners are working as drivers in the respondent corporation. They contend that they have been working in the respondent corporation since 1989 and they have completed 12 years of service in the year 2001. They are eligible for stagnation increment as per circular No.PD-113/89 dated 03.06.1989. Since the respondents did not extend the benefit of stagnation increment to the petitioners they approached this Court through this writ petition seeking a direction to the respondents to extend the benefit of stagnation increment to them from the date of their completing continuous service of 12 years irrespective of their transfers to other regions.

A similar question came up for consideration in W.P.No.5726 of 2000, which was the subject matter in W.A.No.1301 of 2001, wherein the Division Bench of this Court held that employees who have completed 12 years of service are entitled for stagnation increments.

In the light of the judgment of the Division Bench of this Court in W.A.No.1301 of 2001 and in the light of the assertion made by the petitioners that they have completed 12 years of service as Drivers, the respondents are directed to examine whether the petitioners have completed 12 years of continuous service as Drivers irrespective of their transfers to other regions and after satisfying that they have completed 12 years of service, extend the benefit of stagnation increments given by the corporation through the circular No.PD-113/89 dated 03.06.1989 in the light of

the judgment of the Division Bench in W.A.No.1301 of 2001 dated 29.10.2002.

The writ petition is accordingly disposed of. No order as to costs.

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Dr. G. YETHIRAJULU, J

October 5, 2004

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To

1 The Managing Director, APSRTC, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Karimnagar, Karimnagar District.
3 The Depot Manager, APSRTC, Hunsurabad, Karimnagar.

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